

Carolyn Wright

From: Silvio Dell'Angela <dellansi@comcast.net>
Sent: Tuesday, May 26, 2020 2:21 PM
To: Diane@DianeDimond.com
Cc: hbalderas@nmag.gov; 'Dan Herrera'; 'Mayor Keller'; 'Mike'; wplang@abqjournal.com; mdonaldson@kob.com; bill.anderson@krqe.com; lwaldon@hearst.com; Brian.Colon@osa.state.nm.us; bill.anderson@krqe.com; lwaldon@hearst.com; tripp.stelnicki@state.nm.us; john.anderson_usdoj.gov; 'Drobik, Simon'; tim.johnson@state.nm.us; sheriff@bernco.gov; raul.torrez@da2nd.state.nm.us; 'Corey (CRT'
Subject: Bad-almost irresponsible timing for your last Journal article praising all cops and ignoring their bloodbath here while ignoring our fallen vets
Attachments: 5-21-2020 ABQReport on killer cop Dear.docx; Geier's Chicago training used here.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Diane

*Re: 14-CV-1025-JB-SMV
19-CV-275-JB-Cg.*

I look forward to your excellent columns on a variety of topics each week but was a little disappointed that over this Memorial Day weekend that you, like AG Balderas, ignored the fallen military vets who "gave their all" in wars but instead you fawned over all police officers-even those who disgrace the badges they wear for their "tough jobs"-particularly now.

<https://www.abqjournal.com/1459268/pandemic-makes-the-tough-job-of-policing-even-tougher.html> It's noteworthy that not even one city or State leader even had a brief ceremony over the past three days for my many fallen comrades during all our past wars. Scumbags-all of them.

I wanted to share with you my Sunday e-mail sent to our Mayor, APD Chief Geier and to many, many others including the media that is shown below. It discusses yet another APD murder-that by another one of Chief Geier's trigger-happy officers-"E. Sandoval" of non-threatening Valente Acosta-Bustillos.

APD has withheld from me since April 1 NM IPRA requested unedited video taken by both Sandoval and his partner Bush and other info like the multi-agency task force's likely CYA APD investigation report of this killing. Instead, APD would spoon feed to the Journal and other media outlets just limited information including the officers' names and just one APD edited video pointed to the floor with much of the audio muted or deleted.

I have described this City and State a Hellhole-not only because of our corrupt politicians but our equally corrupt police leadership and those they protect as well as the equally complicit leadership of our media and their fellow enablers here. This begins with Journal publisher Bill Lang and KOB. KRQE and KOAT's GMs Donaldson, Anderson and Waldon.

I mentioned the real truth tellers like the Eye on Albuquerque (that unfortunately has suspended its publication since late February-hopefully to return), the ABQReport (who deserves contributions) as well as others. Honest cops trust them.

In addition to the ABQReport's posting on the disgraceful exoneration by two equally disgraceful prosecutors of APD's killer cop Jeremy Dear cited in my Sunday e-mail below and attached, its two recent postings below followed up on my recent e-mail asking just why APD cop Simon Drobik is not in jail for timecard fraud but was back on the job again as Geier's PIO after a year in hiding? One wonders if Drobik has some dirt on Keller, Geier and others in power.

<https://www.abqreport.com/single-post/2020/05/26/NM-state-auditor-probing-overtime-practices-at-APD>

<https://www.abqreport.com/single-post/2020/05/21/What-overtime-reform-APDs-human-robot-Simon-Drobik-makes-83371-in-first-four-months-of-this-year-On-track-to-make-247K-for-year>

*File on CM/ECF
(APD cont decree case)
(Middle case)*
5/27/20

1

*RJD
5/27/20*

*cc: Law Lee
25
4
5/27/20*

*RJD
5/27/20*

Earlier 2018 ABQReport posting also discussed PIO Drobik including one even revealing that Drobik charged us taxpayers 26 hours in one day. The most recent ABQReport posting above reveals that NM Auditor Brian Colón is now investigating Drobik as well as others for timecard fraud. Heads need to roll!

The leadership of entire Keller administration starting with the Mayor and his Chief Geier is corrupt. Those in the Governor's office are not much better! Yet Keller and Geier want Judge Browning to be excused from further DOJ oversight and be allowed to police themselves. Judge Browning doesn't need a hearing to say NO to them!

Again, I'm disappointed in your priorities but not surprised with that of our AG Balderas who has been an enabler of this police bloodbath. Maybe you needed to have a GI relative or friend killed while under fire in a war like my black comrade and the others in 'Nam who I observed dying in order to get your priorities straight!

Silvio

Lt. Colonel USAF retired Vietnam vet

From: Silvio Dell'Angela <dellansi@comcast.net>

Sent: Sunday, May 24, 2020 2:43 PM

Subject: Even after APD's murder of Valente Acosta-Bustillos, our AG Balderas in his Journal article now fawns over all police officers-even the bad ones while also ignoring our disrespected career military vets and MLG's waste

To many-including Mayor Keller, Chief Geier and AG Balderas

DAMN AGAIN MAYOR BERRY AND CHIEF GEIER

I make no apologies for damning both APD Chief Geier and Mayor Berry in my April 20 e-mail shown below for perpetuating the Hellhole here in our sanctuary city for not only lawbreakers including illegals including drug cartel members who are now referred to as just immigrants, but also for our far too many trigger-happy APD cops who like other bad cops here in NM, are never held accountable for their repeated murders of citizens.

Keller and Geier both directed the stonewalling of my April 1 NM IPRA request shown at the end of this e-mail knowing it would prove that APD's March killing of Valente Acosta-Bustillos was unjustified. Their APD lying stonewaller Nyvia Barraza's last response ignored my request that all of my requested info including both of the officers' unedited recordings be put on a thumb drive while she only provided me with what limited information-officers' names, and one video she had already given to the media instead of me.

This latest APD killing was again with the complicity of our corrupt justice system that includes our DAs, their prosecutors and AG Balderas as well as our media. Their and others' betrayal of us likely also disgusts the many good cops here we respect who don't believe their badge gives them a license to kill, lie and comply with APD's demanded blue code of silence. They are also equally disgusted with APD's union/APOA President Willoughby's repeated opposition to any reform and his 2013 memo reminder to members that it's them (we who demand police accountability) against us-Shaun and all APD officers. In the memo, Shaun referred to us activists for reform as a "*bunch of uneducated subhuman animals.*"

The guest Journal article on May 22 <https://www.abqjournal.com/1458454/inflammatory-rhetoric-dishonors-our-police-officers.html> by NM's AG Hector Balderas asks us to worship all police officers here when citing the 49 officers killed throughout the US in 2019 somehow as his justification. I believe the last APD officer killed here was former military vet and good cop Daniel Webster in 2015 by convicted felon Davon Lymon who while illegally armed could/should have been arrested on two earlier occasions-but was not. For this, Webster paid with his life.

A year earlier in Las Cruces, SF cop Tai Chan was never punished by a bad judge after murdering his fleeing unarmed partner Jeremy Martin. There were other NM cops who killed themselves while driving likely DUI and/or recklessly. While praising the State police in his fawning Journal article, our AG never mentions their two recent killings or any call by him for proof from their Chief Tim Johnson that these were justified.

Nor does our AG mention just how much of our tax dollars were paid out in settlements for unjustified police killings like the one that the Journal reported on May 21. See <https://www.abqjournal.com/1458471/settlements-in-bcso-shooting-total-33-million->

[ned-fire-killing-driver-passenger-in-stolen-truck.html](#). Nor did our AG mention the \$5 million we taxpayers paid out to vsuit against the city for APD cop Jeremy Dear's 2014 murder of Mary Hawkes as discussed below.

also repeatedly looks the other way to crotch-grabbing Governor MLG's lawlessness, another example of which was reported in today's Journal article. See <https://www.abqjournal.com/1459115/200m-in-emergency-purchases-skirt-rules.html> In an earlier e-mail, I highlighted KRQE's Larry Barker's investigation that included only a portion of her lawlessness.

Larry reported the secret directed eviction of 54 very elderly residents-some in very bad health-one eventually dying after the move from her hand-picked nursing home (possibly a campaign donor) in order to accommodate China Luhan virus patients released from area hospitals so that favored nursing home could make 2-3 times the money for each bed-courtesy of we ripped-off NM taxpayers.

See <https://www.krqe.com/news/larry-barker/cashing-in-on-the-covid-crisis-scores-of-nursing-home-patients-evicted/>. Yet the former Loveless hospital on Gibson SE that was modified with taxpayer dollars for this purpose would remain unused. Why did the AG, other public officials, the Journal and other media outlets ignore this? It's because this corruption including the fraud, waste and abuse is what routinely happens in NM.

MAY 21 ABQ REPORT POSTING OF OTHERS IN OUR CORRUPT JUSTICE SYSTEM EXONERATING YET ANOTHER KILLER COP-JEREMY DEAR

Given how much our Journal and TV station leaders routinely manages the news given us to promote their own political agendas primarily to damn President Trump and promote the corrupt Biden who attacks critics and demeans black Trump supporters, I have been referring those on my large e-mail list to the real truth tellers here-blogs like the Eye on Albuquerque, ABQReport and others.

See <https://www.abqreport.com/single-post/2020/05/21/Former-APD-cop-Jeremy-Dear-cleared-again-in-Mary-Hawkes-fatal-shooting> A copy is attached. It refers readers to the April 30 document written by the second appointed team of special (clearly pro-APD) prosecutors, Chris Schultz and Reynaldo Montano, referenced in red documenting all of the reasons for their decision not to prosecute APD's killer cop Dear.

This recent exoneration was years after former Chief Eden had fired Dear and we taxpayers paid out \$5 million to settle the lawsuit against APD. The two prosecutors' lengthy not surprising we'll COVER DEAR'S ASS document is the biggest whitewash of a murder I have ever read and yet one more example of our corrupt judicial system's complicity in the ongoing NM police bloodbath here.

Pull up the actual document on the referenced ABQReport website and in particular, read the two prosecutors' ridiculous comment 4 on page 29 of their full report. They think we are stupid enough to believe that APD officers really expect to be punished if they lie in order to protect fellow officers. The reality is that they are expected to lie. One example is how APD Lt. Ray Del Greco on June 28, 2019 parroted before the media the lie told by his killer cop Jonathan O'Guinn who claimed that the fleeing unarmed Richard Rivera shouted, "*I have a gun*" before O'Guinn gunned him down.

Rivera had no gun and never yelled it! Why would he? Like the execution by APD's repeat killer cop Anthony Sedler and his partner of my neighbor Chris Hinz in June 2010, after the downed and still alive Richard Rivera was pleading for his life, O'Guinn and possibly the other APD responding officers pumped more bullets into him to finish him off. But this is apparently how the dangerous and corrupt Chief Schultz, then Chief Eden and now Chief Geier directs APD's murder of downed but still alive victims.

See the attached depiction showing this is also Chicago's PD practice where Geier once served. Instead of shooting again at the barely alive Valente Acosta-Bustillos who they said was threatening them with a shovel, APD's killer cop claimed he couldn't try to save his life because he didn't bring his gloves. B.S.! Also see <https://www.liberationnews.org/video-released-albuquerque-police-turn-welfare-check-into-a-homicide/>. This one edited video APD released to the media confirmed there was no threat showing the cops had lied and that they shot him in the back.

Also, Mary Hawkes' killer cop Jeremy Dear chose to wait two days after all of the other involved officers interviewed made their statements before making his. It was reported that a day after killing Hawkes, allegedly to "decompress"-AKA celebrate, Dear took fellow cop Sonny Molina to a massage parlor for a "special massage" and afterwards on to Hooters to further decompress. I don't know why another cop involved in the Hawkes shooting-cop Tanner Tixier, one of Chief Geier's PIOs wasn't invited to go along. Of course, a former APD cop was Dear's defense attorney.

the Journal was apparently shamed by the ABQReport posting into finally reporting on this disgraceful exoneration of ar by these two special prosecutors/killer-cop enablers. See <https://www.abqjournal.com/1458436/special-determine-no-charges-for-dear-in-hawkes-shooting.html>.

BCSO JUST AS BAD AS APD-DOJ SHOULD ALSO DEMAND ITS REFORM

BCSO's arrogant Sheriff Manny Gonzales' trigger-happy deputies have also cost our taxpayers millions to settle lawsuits for their unjustified killings and yet neither AG Balderas, Governor MLG, nor any of our other many elected officials including those in the NM legislature like my Representative Bill Rehm-a former BCSO deputy, has the guts to pass legislation requiring that all NM State police officers including BCSO's carry and use body cameras.

THE DIGRACEFUL KELLER/GEIER APPEAL TO FEDERAL JUDGE BROWNING

Yet, with the disgraceful blessing of our US Attorney John Anderson, Shaun Willoughby and others, Mayor Keller and Chief Geier months ago asked Federal Judge Browning that APD be relieved of DOJ oversight over all of the critical operational compliance areas of the 2014 CASA reform agreement which APD still have not fully complied with and now allow APD to police itself. This includes APD's still failure to record their unjustified killings and other uses of force and to clean up the civilian police oversight agency (CPOA) under the corrupt ex-cop Director Ed Harness whose proven loyalty is only to Chief Geier.

Never publicized is the fact that Judge Browning had cancelled his scheduled May 20 consideration of the City's request and deferred it to some future date. Likely DOJ's reform monitor/ex-cop Ginger doesn't mind since he can continue to rip taxpayers off by making his 2014 "*APD reform will be a marathon*" declaration to the public a reality. Ginger along with Harness needs to be replaced along with do-nothing NM US Attorney Anderson.

WORSHIPPING ALL COPS HERE WHILE DISRESPECTING WE CAREER MILITARY VETS

Yet, neither our AG nor anyone else in government or in the media publicly damned Kirtland AFB's 377th Wing Commander Colonel David Miller for emulating our autocratic Governor MLG when in March, he banned over 27,000 of us career military veterans living in the area from entering KAFB and shopping there.

This illegal and discriminatory order by the arrogant Miller knowingly deprived us of a privilege we earned-many of us under fire in various wars over our 20+ years of service while he used a variety of bogus reasons including China's Luhan-spread virus as one of his many bogus justifications. It included even being ordered-according to his Lt. Martin by his higher headquarters to discriminate against us retirees-another lie.

One angry vet proposed that we file a lawsuit against Miller while another suggested that we have a mass protest of his illegal edict at KAFB's main gate. Miller refused to meet with me while his equally arrogant Lt. Martin would say that the Colonel OWNED THE BASE and he could do anything he wanted. MILLER DOESN'T own KAFB for those uninformed!

Unlike all NM police officers who AG Balderas and others like him in public office and the media glorifies, we vets weren't issued take home cars and weren't paid overtime for our often very long days. We didn't come home each night to our families but often served tours away from family members for extended periods of time-in my case over a year in Vietnam and often for weeks at a time away on temporary duty elsewhere in the US and overseas.

Even after my late April submitted letter to the editor of the Journal on this illegal Miller order was finally published on May 8. Much of it-not surprisingly, was edited out by the Journal's D'Val Westphal allegedly "to save space" and given lesser importance than three other inconsequential self-promotion unedited lengthy published letters.

REMEMBER OUR REAL HEROES

On Memorial Day Monday, we should give thanks to the many military vets who made the ultimate sacrifice including my African-American comrade in Vietnam in 1969 and those I experienced burning to death when their Huey was shot down near me.

I'm disgusted with AG Balderas, and those like him including Mayor Keller, Governor MLG, Chief Geier and KAFB's AF Colonel Miller

Silvio

Lt. Colonel USAF retired-Vietnam vet-among those many vets here slapped in the face by the arrogant/autocratic KAFB Colonel Miller
Former 8 year neighborhood association president

P.S.

It's more than disgusting that while our trigger-happy NM cops continue to never face jail time for their unjustified shootings/killings, that former NM US Attorney Damon Martinez-(now not surprisingly working for APD) along with his federal judge friends had Rio Arriba County Sheriff Tommy Rodella put away in a Texas jail for 10 years on two bogus hearsay minor civil rights offenses claimed by a reckless driver he stopped in mid-2014.

From: Silvio Dell'Angela <dellansi@comcast.net>
Sent: Wednesday, May 20, 2020 1:25 PM
To: 'Mayor Keller' <mayorkeller@cabq.gov>; 'Mike' <mgeier@cabq.gov>
Cc: 'cabq_20-2336-requester-notes@inbound.nextrequest.com' <cabq_20-2336-requester-notes@inbound.nextrequest.com>; 'Barraza, Nyvia' <nbarraza@cabq.gov>; 'tim.johnson@state.nm.us' <tim.johnson@state.nm.us>; 'raul.torrez@da2nd.state.nm.us' <raul.torrez@da2nd.state.nm.us>; 'hbalderas@nmag.gov' <hbalderas@nmag.gov>; 'sheriff@bernco.gov' <sheriff@bernco.gov>; 'tripp.stelnicki@state.nm.us' <tripp.stelnicki@state.nm.us>; 'Melanie Majors' <director@nmfog.org>; 'Corey (CRT)' <corey.sanders@usdoj.gov>; 'john.anderson@usdoj.gov' <john.anderson@usdoj.gov>; 'Watson, Ethan D.' <ewatson@cabq.gov>; 'Harold J.' <hmedina@cabq.gov>; 'snorris@cabq.gov' <snorris@cabq.gov>; 'syara@cabq.gov' <[syrara@cabq.gov](mailto:syara@cabq.gov)>; 'mmccoy@aclu-nm.org' <mmccoy@aclu-nm.org>; 'Rael, Lawrence' <rael@cabq.gov>; 'snair@cabq.gov' <snair@cabq.gov>

Subject: RE: City of Albuquerque public records request #20-2336

APD Chief Mike Geier and Mayor Keller

Cut the ongoing insulting B.S. to me. It's been 49 DAYS since my IPRA request was submitted and two months since that latest APD murder-with we taxpayers again expected to be stuck with yet another multi-million dollar lawsuit settlement.

A more detailed reply back-not to your compulsive liar Ms. Barraza, but to you two and to many is forthcoming.

What a Hellhole here you two scumbags are perpetuating! And you two are scumbags!

Silvio

From: City of Albuquerque Public Records <cityclerk@cabq.gov>
Sent: Tuesday, May 19, 2020 5:16 PM
To: dellansi@comcast.net
Subject: [External Message Added] City of Albuquerque public records request #20-2336

Pending records: Reports

Responsive information:Names of both officers: Officer J. Bush Man # P6506 Officer E. Sandoval Man # P6527 I am waiting to hear back if these two Officers have been involved in other shootings or use of force incidents.

Would you please advise what you are seeking? Are you seeking the number of times they've been involved in Officer Involved Shootings/Use of Force Incidents if there are any? Or are you seeking the reports from those incidents if there are any?

Due to COVID-19 we are working at a limited capacity. As a result, it is causing a delay our production. I apologize for the delay.

Nyvia Barraza

From: Silvio Dell'Angela <dellansi@comcast.net>
Sent: Thursday, May 14, 2020 12:18 PM
To: 'Barraza, Nyvia' <nbarraza@cabq.gov>; 'Stella Padilla' <padillastella66@yahoo.com>

Cc: 'Mike' <mgeier@cabq.gov>; 'Mayor Keller' <mayorkeller@cabq.gov>; 'tim.johnson@state.nm.us' <tim.johnson@state.nm.us>; 'sheriff@bernco.gov' <sheriff@bernco.gov>; 'Corey (CRT)' <corey.sanders@usdoj.gov>; 'Melanie Majors' <director@nmfog.org>; 'hbalderas@nmag.gov' <hbalderas@nmag.gov>; 'raul.torrez@da2nd.state.nm.us' <raul.torrez@da2nd.state.nm.us>; 'Watson, Ethan D.' <ewatson@cabq.gov>; 'mdonaldson@kob.com' <mdonaldson@kob.com>; 'bill.anderson@krqe.com' <bill.anderson@krqe.com>; 'lwaldon@hearst.com' <lwaldon@hearst.com>; 'kwalz@abqjournal.com' <kwalz@abqjournal.com>; 'tripp.stelnicki@state.nm.us' <tripp.stelnicki@state.nm.us>; 'mark.vandyke@state.nm.us' <mark.vandyke@state.nm.us>; 'john.anderson@usdoj.gov' <john.anderson@usdoj.gov>; 'psimonson@aclu-nm.org' <psimonson@aclu-nm.org>; 'mmccoy@aclu-nm.org' <mmccoy@aclu-nm.org>; 'info@nmfog.org' <info@nmfog.org>
Subject: My NM IPRA request-RE: the killing of Valente Acosta-Bustillos still not complied with

Is the NM IPRA just a suggestion to you all? I am still waiting!

Again, we taxpayers will be paying for another lawsuit because of yet another unjustified trigger-happy cop killing in March while again there is no demand for police accountability.

Yet our corrupt Mayor Keller and Chief Geier as well as our US Attorney for NM John Anderson wants Judge Browning to allow APD to now be free from their serious non-compliance operational portions of the CASA and now police itself. The ultimate arrogant insult!

Living in a dangerous and corrupt third world banana republic

Silvio

P.S.

Likely, I'll also be stonewalled when asking our NM State Police Chief Tim Johnson for proof that his latest two police killings were justified. Should I make an NM IPRA request Chief Johnson?

From: Silvio Dell'Angela <dellansi@comcast.net>
Sent: Wednesday, May 6, 2020 5:09 PM
To: 'Barraza, Nyvia' <nbarraza@cabq.gov>; 'Padilla, Sophia, DPS' <sophia.padilla@state.nm.us>
Cc: 'Mike' <mgeier@cabq.gov>; tim.johnson@state.nm.us; sheriff@bernco.gov; 'Melanie J. Majors' <director@nmfog.org>; tripp.stelnicki@state.nm.us; hbalderas@nmag.gov; lwaldon@hearst.com; bill.anderson@krqe.com; 'Elizabeth Martinez' <elizabeth.martinez@usdoj.gov>; john.anderson@usdoj.gov; 'Corey (CRT)' <corey.sanders@usdoj.gov>; 'Watson, Ethan D.' <ewatson@cabq.gov>; 'Mayor Keller' <mayorkeller@cabq.gov>; raul.torrez@da2nd.state.nm.us; wplang@abqjournal.com; kmoses@abqjournal.com; pmrinc@mac.com; kwalz@abqjournal.com
Subject: My NM IPRA request-RE: the killing of Valente Acosta-Bustillos still not complied with

Over 45 days have elapsed since the latest APD victim-Valente Acosta-Bustillos who was only waving a shovel at the officers was unjustifiably killed in March and to date, what is attached and later provided to the media has little value. While only one partial video of the killing was released to the media along with the names of the two responding officers, I still have not gotten the two fully unedited recordings made by the officers. Nor have I gotten the final multi-agency task force report.

What I find particularly disturbing is that Chief Geier's trigger-happy APD shooter could have made an effort to save the victim's life but chose not to do so using the bogus excuse that he had no gloves. Apparently his partner also never tried to save the dying victim's life. Did he also forget his gloves? Had it been a fallen fellow officer, it's likely both would have tried without gloves.

Was Valente just deemed "human waste" to be disposed of APD detective Trey Economidy described his job on Facebook after he murdered Jacob Mitschelen in February 2011. That posting got Economidy only a four day suspension.

What is sickening but not surprising is that the leaders of our mainstream media-the Journal (Lang, Walz, Moses, others) and three TV stations (Waldon, Anderson and Donaldson) seemed satisfied with what limited information on this clearly unjustified killing was provided them as APD killings and other killings by BCSO, NM State Police and other NM police officers are somehow never to be questioned.

What the enablers of this ongoing police bloodbath here apparently believe is that the many, many good APD and other NM police officers are not as disgusted with this lack of accountability within their ranks as are we.

While awaiting Federal Judge Browning's ruling on our Mayor's appeal to now allow APD to police itself-something our US Attorney incredulously supports, a reading of Monitor Ginger's recent APD reform progress report would attempt to mislead all into believing that APD over the past SIX years has made great strides in reforming itself but yet the "marathon" he predicted in 2014 it would take is still is a long \$\$\$\$\$\$ way off.

You have not complied with I asked for. Please download to a thumb drive what my NM IPRA below requested including the final report and mail it to me. I can provide a blank thumb drive to APD if necessary. You certainly have my home address.

No more bogus excuses-please.

Silvio

From: Silvio Dell'Angela <dellansi@comcast.net>
Sent: Wednesday, April 1, 2020 11:20 AM
To: Watson, Ethan D. <ewatson@cabq.gov>; City Clerk Staff <CityClerk@cabq.gov>
Cc: Elise Kaplan <ekaplan@abqjournal.com>; info@nmfog.org; Channel 13 News Desk <newsdesk@krqe.com>; KOB TV <news@kob.com>; KOAT <koatdesk@hearst.com>; Sandy Graham O'Dell <newsroom@abqjournal.com>; Medina, Harold J. <hmedina@cabq.gov>; Geier, Mike <mgeier@cabq.gov>; John.Anderson@usdoj.gov; HBalderas@nmag.gov; jeanie.nguyen@krqe.com; Nancy Laflin <nlaflin@hearst.com>; Tim.Johnson@state.nm.us; Elizabeth Martinez <elizabeth.martinez@usdoj.gov>; Yara, Stephanie <syara@cabq.gov>; Mayor Keller <mayorkeller@cabq.gov>; pmrinc@mac.com
Subject: NM IPRA request-RE: the killing of Valente Acosta-Bustillos

<https://www.abqjournal.com/1438712/police-identify-man-shot-killed-by-officers-monday.html>

IAW the NM IPRA request I be able to review on-line (given our required stay at home requirement) within the prescribed next 15 days from today:

1. The unedited recordings made by the two APD officers involved in the killing of mentally ill Valente Acosta-Bustillos on March 30
2. The names of the two APD officers who responded
3. Other shootings or use of excessive force by either or both of these officers in the past
4. All APD reports and other documentation to date on this shooting.
5. The final report by the multi-agency task force within 15 days after its completion date

Thank you

Silvio Dell'Angela

ABQReport

News, analysis, opinion and more. A true free-for-all.

Former APD cop Jeremy Dear cleared again in Mary Hawkes fatal shooting
May 21, 2020 Dan Klein

No Charges Will Be Filed In Dear/Hawkes Shooting

For the second time in three years ex-Albuquerque Police Officer Jeremy Dear has been cleared of any criminal wrongdoing in the 2014 fatal shooting of Mary Hawkes. A team of special prosecutors assigned to review the case by Bernalillo County District Attorney Raul Torrez cleared Dear,

On April 30, 2020 the second team of special prosecutors, Chris Schultz and Reynaldo Montano, announced their decision not to prosecute Dear. Read it here.

"We have carefully considered the assertions and demurrs made by Ms. Shannon Kennedy, the attorney representing the Mary Hawkes estate in the civil case. Some of them may deserve attention and investigation by others, however many of them are outside the scope of our concern, which is a narrow one: Are we confident that there is sufficient admissible evidence to prove, beyond a reasonable doubt, to a unanimous jury, that Officer Dear committed a crime? The remaining objections Ms. Kennedy makes are either speculative, not relevant, unlikely to be admissible at trial, or insufficient to undermine our conclusion.

"The evidence strongly suggests that Officer Dear was justified in his concern for himself, and reasonably believed that Hawkes posed an imminent threat of deadly or serious Harm to himself, and he responded to that threat by firing his weapon based upon that threat. Officer Dear would therefore be entitled to raise the defense of justifiable homicide by a public officer.....therefor no charges will be filed against Officer Dear, and the case will be closed."

The Dear saga has dragged on for six years and cost the citizens of Albuquerque \$5 million.

In April of 2014, Dear shot and killed suspected car thief, Mary Hawkes, during a foot pursuit. Dear alleged that Hawkes was armed with a handgun and he felt threatened by her when he opened fire. A firearm was recovered at the scene of the shooting and a business surveillance camera of Hawkes just moments before she was shot, seemed to confirm that Hawkes was armed with a handgun. Dear was terminated from APD by then Chief of Police Gorden Eden, December 2014 for insubordination. A termination that Dear's attorney, Thomas Grover, has vehemently contested as unfair. In January of 2018, the city of Albuquerque paid the Hawkes family \$5 million to settle their wrongful death lawsuit.

There was considerable community dissent when this settlement was announced as the special prosecutor had not issued a decision on whether or not Dear would be charged. Just one month later, February of 2018, special prosecutor, Michael Cox, who was appointed by Bernalillo County District

Attorney Raul Torrez to review the shooting, recommended that no charges be filed against Dear. In his letter to Torrez, Cox stated:

"After a thorough review of all the evidence, we conclude that it is not possible to prove, beyond a reasonable doubt, that Officer Jeremy Dear was not acting under the belief that Mary Hawke's actions posed a threat of death or great bodily harm to himself or other officers in the immediate area. No charges will be filed, this case will be closed".

But it wasn't closed. In October of 2018 DA Torrez set aside Cox recommendations and announced that he was handing the case to a panel of district attorneys from around the state, for further review. A review that caused Dear's attorney, Thomas Grover, to comment: *"I think this is politics at play. I think Raul Torrez is trying to get as far away from this case as he can because it's a lawful shoot and he doesn't want to be the guy who is tainted on this issue."* (Ryan Boetel, Albuquerque Journal)

In September of 2019, DA Torrez announced that he was done waiting for the "DA Panel" to determine whether Dear should be prosecuted for killing Hawkes. At this time Torrez referred the case to New Mexico Attorney General Hector Balderas for final review. Balderas' office declined to review citing a conflict of interest because Hawke's brother works for the Attorney General, and by this time Hawkes family had settled the \$5 million lawsuit against the city of Albuquerque.

It seemed like every attempt Torrez made in trying to hand off to someone else the final decision on the Dear case was rebuked. This forced Torrez to appoint two special prosecutors, Chris Schultz and Reynaldo Montano, for a second review. They have now agreed with the first review that no charges will be filed against Dear. Unless DA Torrez wants to assign a third special prosecutor to this case, it appears that Dear has been vindicated and no charges will be filed. After six years and \$5 million it's over.

Dear's attorney, Thomas Grover, provided the ABQReport with the following statement: *"There are no winners in this case. The city (Albuquerque) lied about Dear's recording rate and has perpetuated that false narrative with ongoing lies, concealment and deception in the public records requests made by Dear. The city failed to fight the courts' sanction for allegedly losing evidence that resulted in the shooting of Hawkes as being deemed "unreasonable" as a matter of law. There have been a few whispers from within APD about Dear being railroaded and made a scapegoat, but nobody has stepped up and made the record right. Meanwhile Jeremy (Dear) and I fight and fight and fight in the court and APD has become a shadow of the department it once was."*

Tags: albuquerque police department, Jeremy Dear, Mary Hawkes

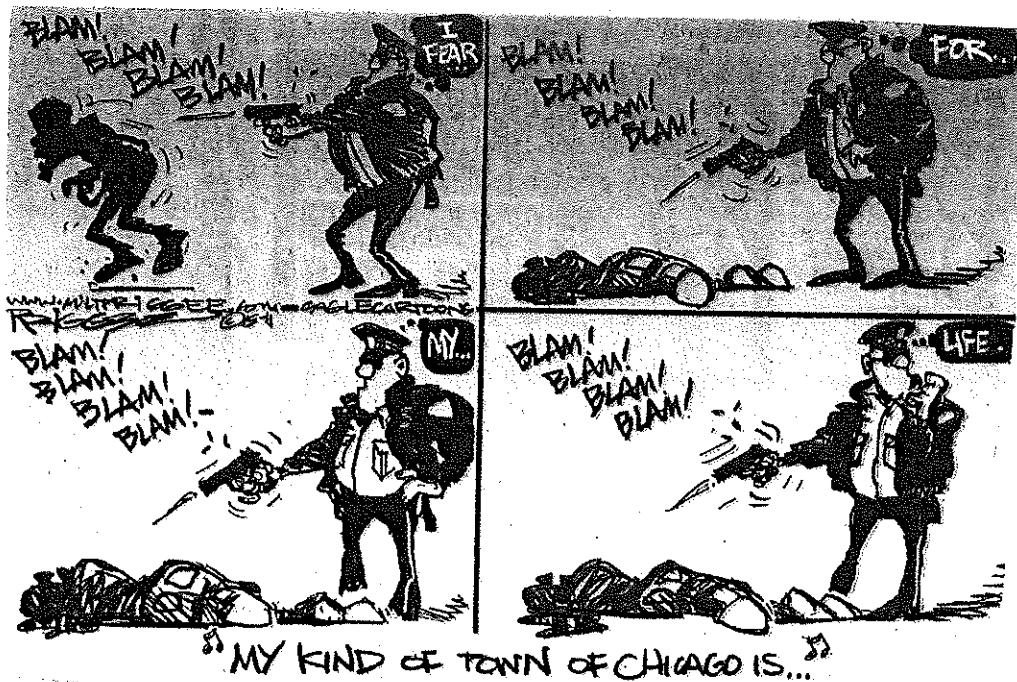
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